



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/815,497

03/31/2004

Hing Fai Freeman Fung

USP1182A-FF

8512

30265

7590

07/23/2008

DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK, CA 91754

EXAMINER

CHAMPAGNE, LUNA

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

07/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/815,497	Applicant(s) FUNG, HING FAI FREEMAN	
	Examiner LUNA CHAMPAGNE	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

The oath or declaration is defective because. It does not identify the citizenship of each inventor. Appropriate action is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-6, 10, 18 are rejected under 35 U.S.C. 102(e) as being unpatentable by Powell (2001/0032189 A1), as supported by the provisional (60/173,170).

Re claim 1, Powell discloses a Consumer-to-Business method for consolidating consumer powers in activating market economy, comprising the steps of: (a) providing a Consumer-to-Business (C2B) network (see e.g. paragraph 0071 - consumer-to-business transfers of innovation);

(b) accepting registration of one or more invention products in an Information Database of said C2B network storing invention information of said invention products provided by Inventors (*see e.g. paragraph 109 – this information is obtained when an originator first submits an idea and registers with the system*);

(c) storing information given by registered Consumers regarding to specific needs of product in said Information Database of said C2B network (*see e.g. paragraph 0029*);

(d) determining one or more ordered invention products from said invention products according to said information provided by said registered Consumers (*see e.g. paragraph 0043 – the user electronically submits the RFP, creates a nondisclosing synopsis of the RFP("NDS)RF") and specifies the subject matter of the RFP desired to posted and/or the intended originator whom the user believes is capable of proposing solutions to the user's RFP*);

(e) requesting payments from said registered Consumers for said ordered invention products of said registered Consumers (*see e.g. paragraph 0247- payment is submitted to originator; paragraph 0078*);

(f) determining and contracting one or more Suppliers as contracted Suppliers to purchase said ordered invention products (*see e.g. paragraph 0024 – at this point, user and originator are parties to legally binding agreement*);

and (g) delivering said order products from said contracted Suppliers to places designated by said registered Consumers respectively (*see e.g. paragraph 0247- user is granted the right to user originator's slogan according to the terms of a negotiated agreement*);

Re claim 2, Powell discloses a method wherein said invention products include invention goods or services (*see e.g. paragraph 0085 – an inventive idea for a new product / a new business method*).

Re claims 3 and 4, Powell discloses a method wherein said central processing web site is ran and managed in a Central Processing Center (CPC) to analyze and group said stored invention information as invention product data in a plurality of categories (*see e.g. paragraph 0230 - via the world Wide Web.. A user may scroll through nondisclosing synopses of available specs by category*).

Re claim 5, Powell discloses a method wherein the step (a) further comprises a step (a-1) of verifying said invention information of said invention products in order to be registered in said C2B network to ensure that said invention products are in the state of Reduction-To-Practice (*see e.g. paragraph 0028 – successful implementation of existing needs posting protocols requires complete, up-front disclosure of the unmet need or unsolved problem*).

Re claim 6, Powell discloses a method wherein the step (a) further comprises a step (a-2) of providing a minimum suggested selling price for each of said registered invention products (*see e.g. paragraph 0019 – Originator may also designate a minimum reserve price*).

Re claim 10, Powell discloses a method, wherein the step (c) further comprises a step of inviting said registered Consumers to place acceptable purchasing prices for

Art Unit: 3627

said registered invention products respectively (*see e.g. paragraph 0136 – originator adds a reserve or minimum price*).

Re claim 18, Powell discloses a method wherein said C2B network is an Internet, and said Information Database is an electronic database provided in a programmed central processing web site (*see e.g. paragraph 0018*).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-9, 15, 16, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell (2001/0032189) as supported by the provisional (60/173,170), in view of Mintz (6,250,930 B1).

Re claims 7, 8, 9, Powell does not explicitly disclose a method wherein the step (b) further comprises the steps of: (b-1) taking part into surveys regarding interests and needs in said invention products for each of said registered Consumers; and (b-2) storing said information provided by said registered Consumers into a purchasing database, wherein said information is analyzed and grouped in a plurality of categories by said Central Processing Center (CPC)

However, Mintz discloses a method wherein the step (b) further comprises the steps of: (b-1) taking part into surveys regarding interests and needs in said invention products for each of said registered Consumers; and (b-2) storing said information provided by said registered Consumers into a purchasing database, wherein said information is analyzed and grouped in a plurality of categories by said Central Processing Center (CPC) (*see e.g. column 3, lines 60-63*) .

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to modify Powell and include the steps of taking part into surveys regarding interests and needs in said invention products for each of said registered Consumers; and (b-2) storing said information provided by said registered Consumers into a purchasing database, wherein said information is analyzed and grouped in a plurality of categories by said Central Processing Center (CPC), as taught by Mintz, in order to better market the products.

Re claims 15-16, Powell discloses a method wherein the step (c) further comprises the steps of: (c-1) logging on said C2B network by a Consumer; (c-2) determining whether said Consumer logged on is one of said registered Consumer (*see paragraphs 0152-0153*); (c-3) providing a screen of a brief introduction with advertisements along with application form when said logged on Consumer is not one of said registered Consumers (*see e.g. paragraph 0202- advertisers pay to have messages displayed to originators and users alike*); and (c-4) assigning an authorization password for said Consumer to register said Consumer as a new registered Consumer

to be capable of entering said C2B network (*see e.g. paragraph 0020 – central controller assigns an originator identification number (user name and password) unique to the specified originator*).

Re claim 20, Powell does not disclose a method, further comprising a step of market testing each of said registered invention products by posting surveys in said C2B network, so as to enabling said registered Consumers to indicate interests thereof on said registered invention product.

However, Mintz discloses a method, further comprising a step of market testing each of said registered invention products by posting surveys in said C2B network, so as to enabling said registered Consumers to indicate interests thereof on said registered invention product (*see e.g. column 10, lines 48-58*).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to modify Powell and include the step of market testing each of said registered invention products by posting surveys in said C2B network, so as to enabling said registered Consumers to indicate interests thereof on said registered invention product, as taught by Mintz, in order to better evaluate and modify products.

5. Claims 13, 14, 19, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell (2001/0032189) as supported by the provisional (60/173,170), in view of Mintz (6,250,930 B1), in further view of Wilsford (6,484,169).

Re claims 13 and 14, Powell discloses a method wherein the step further comprise the steps of (f-b) locating potential suppliers and negotiating for best terms and specifications of said demanded invention products by Central Processing Center (CPC) (*see e.g. paragraph 0024*); and (f-c) placing deposit from said registered Consumers directly to said contracted Supplier upon agreement made between said Central Processing Center (CPC) and said contracted Supplier (*see e.g. paragraph 0168*).

Powell does not explicitly disclose a method wherein the step (f) further comprise the steps of: (f-a) analyzing said purchasing database by said Central Processing Center (CPC) to determine most demanded invention products from said registered invention products requested by said registered Consumers and leave other said registered invention products with lower demands for further uses.

However, Wilsford discloses a method wherein the step (f) further comprise the steps of: (f-a) analyzing said purchasing database by said Central Processing Center (CPC) to determine most demanded invention products from said registered invention products requested by said registered Consumers and leave other said registered invention products with lower demands for further uses (*see e.g. col. 5, lines 14-20*).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to modify Powell and include the step of analyzing said purchasing database by said Central Processing Center (CPC) to determine most demanded invention products from said registered invention products requested by said registered

Consumers and leave other said registered invention products with lower demands for further uses, as taught by Wilsford, in order to forecast demand and supply.

Re claim 19, Powell discloses a method wherein said C2B network is an Internet, and said Information Database is an electronic database provided in a programmed central processing web site (*see e.g. paragraph 0018*).

Re claims 21-22, Powell does not disclose a method, further comprising a step of market testing each of said registered invention products by posting surveys in said C2B network, so as to enabling said registered Consumers to indicate interests thereof on said registered invention product.

However, Mintz discloses a method, further comprising a step of market testing each of said registered invention products by posting surveys in said C2B network, so as to enabling said registered Consumers to indicate interests thereof on said registered invention product (*see e.g. column 10, lines 48-58*).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Powell and include the step of market testing each of said registered invention products by posting surveys in said C2B network, so as to enabling said registered Consumers to indicate interests thereof on said registered invention product, as taught by Mintz, in order to better evaluate and modify products.

6. Claims 11, 12, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell (2001/0032189) as supported by the provisional (60/173,170), in view of Mintz (6,250,930 B1), in further view of Official Notice.

Re claims 11, 12, Powell discloses a method wherein the step (c) further comprises a step of inviting said registered Consumers to place acceptable purchasing prices for said registered invention products respectively (*see e.g. paragraph 0019 – Originator may also designate a minimum reserve price*).

Powell, in view of Mintz, does not explicitly disclose the step of using purchasing data analyzed and grouped from said information provided by said registered Consumers to define an actual number of orders needed for each of said registered invention products when said purchasing price suggested by said registered Consumers thereto is equal to or more than said suggested selling price thereof.

However, the Examiner takes Official Notice that it is common in the art to calculate a number of items that one can obtain based on the price and/or the available funds.

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Powell, in view of Mintz, and include the step of using purchasing data analyzed and grouped from said information provided by said registered Consumers to define an actual number of orders needed for each of said registered invention products when said purchasing price suggested by said registered Consumers thereto is equal to or more than said suggested selling price thereof, in order to better match inventors' requests with consumers' needs and vice versa.

Re claim 17, Powell discloses a method wherein the step (c) further comprises the steps of: (c-1) logging on said C2B network by a Consumer; (c-2) determining whether said Consumer logged on is one of said registered Consumer (*see paragraphs 0152-0153*); (c-3) providing a screen of a brief introduction with advertisements along with application form when said logged on Consumer is not one of said registered Consumers (*see e.g. paragraph 0202- advertisers pay to have messages displayed to originators and users alike*); and (c-4) assigning an authorization password for said Consumer to register said Consumer as a new registered Consumer to be capable of entering said C2B network (*see e.g. paragraph 0020 – central controller assigns an originator identification number (user name and password) unique to the specified originator*)

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUNA CHAMPAGNE whose telephone number is (571)272-7177. The examiner can normally be reached on Monday - Friday 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627
July 16, 2008

/Luna Champagne/
Examiner, Art Unit 3627